

## **II. REMARKS**

### **Discussion of the Cited References**

The cited reference has an effective date, as a reference of March 13, 2000, namely, its U.S. filing date. The subject matter of the claims of this application have an invention date, at least as early as December 13, 1999, as shown by the attached declaration under rule 131. The declaration is based on an Invention Report signed on December 13, 1999 and attached thereto. Applicant demonstrated due diligence by filing an application on May 5, 2000, the priority date of the subject application. The cited reference Wang therefore, is not an effective reference against the subject application.

The Examiner relies on the reference Wang as sole support for the rejection of the claims of this application. Since this reference is not an effective reference, there is no support cited by the examiner to indicate any basis for the rejection based on anticipation.

### **Summary**

For the above reason, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$1020.00 is enclosed for a three month extension of time. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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Janik Marcovici  
Reg. No. 42,841

5/19/05  
\_\_\_\_\_  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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